

Remarks

Claim amendments

Independent claims 1 and 8 are amended without disclaimer of subject matter to incorporate the subject matter of former claims 5 and 10, respectively. Claims 21, 22, 25, 27, and 29 are similarly amended to recite a fibroblast. Support for these amendments is found throughout the original disclosure, for example, in paras. 0038, 0050, and Examples 1, 2, and 3. Additionally, support for the amendment to claim 11 is found in at least original claim 11 and paragraph 0051 (paragraph numbers refer to the application as published, PGPub. No. 2004/0180430 A1).

These amendments are made without disclaimer of subject matter and solely to advance prosecution. Applicants reserve the right to pursue any and all cancelled subject matter in one or more continuing applications.

No new matter is added by these amendments.

Enablement

The claims have been rejected for allegedly lacking enablement commensurate with their full scope. The Examiner has agreed that the claims are enabled for use with fibroblasts as the primary cell used for nuclear transfer, but has disputed whether they are enabled for other cell types.

Applicants respectfully maintain their traversal of the rejection for the reasons of record (*see, e.g.*, Remarks dated August 24, 2010, pages 11-16). Applicants particularly reiterate that the enablement rejection is improper because it is not based on any evidence that telomeres would not be rejuvenated for donor cell types other than fibroblasts, and there is no evidence of record to support the Examiner's position that "senescent or near-senescent [cells] . . . are not effective in nuclear transfer" (Office Action, page 5), which is essential to the rejection. Rather, the present disclosure provides working examples showing effective nuclear transfer in senescent

or near-senescent fibroblasts, and post-filing literature further demonstrates telomere restoration in multiple different cell types (*see* Remarks dated August 24, 2010, pages 14-15).

As to the issue of whether the claims are enabled for genetic modification of cell types other than fibroblasts, it appears that this portion of the rejection has not been maintained because the Office Action does not dispute that there are many cell types have sufficient proliferative capacity to be successfully used in the transformation protocol described by Denning (of record), and also does not dispute that those of ordinary skill in the art are not limited solely to using the Denning protocol but rather could choose a suitable methods for obtaining transformed cells within the available number of population doublings for a given cell type. The Office Action acknowledges Applicants arguments to that effect (page 4) and only responds by referring to a different basis of rejection, thus, Applicants understand that this basis of rejection has been overcome by their prior remarks.

Notwithstanding the foregoing, in the interests of advancing prosecution, Applicants have amended each independent claim to recite that the nuclear transfer donor cell is a fibroblast, rendering the rejection moot. These amendments are made solely without disclaimer of subject matter, and Applicants expressly reserve the right to pursue the cancelled subject matter in one or more continuing applications.

Double-patenting

Claims 1, 3-8, 10-12, 14-16, 21-24, and 29-36 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claims 87-92 and 94-117 of co-pending application no. 11/079,930. Based on the foregoing, Applicants respectfully submit that all other objections and rejections in this application have been overcome or rendered moot. Since the rejection is over conflicting claims in a later-filed application that have not yet been patented, Applicants respectfully request that the provisional rejection be withdrawn from this application to permit its issuance as a patent (see MPEP § 804, subsection I.B.1.).

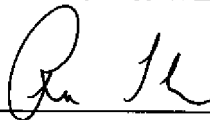
CONCLUSION

In view of the foregoing, all claims are believed to be in condition for allowance. In the event that any additional issues remain, or if it would expedite the prosecution of this application, the Examiner is respectfully invited to contact the undersigned (direct line, 703-714-7645).

Respectfully submitted,
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